IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4905 OF 2004

Amjad Wazir Pathan ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.R.B.Paranjape for Applicant.

Mr.R.Y.Mirza, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 1, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. According to the Applicant, there is no evidence except the fact that the Applicant came to be identified in the identification parade held on 27th May 2004. It is further submitted that in fact the photograph of the Applicant was shown to the complainant on the previous occasion on 11th

May 2004, but the complainant did not identify the Applicant in the said photograph.

3. Taking the last submission first, the same is based on the statement of 11th May 2004 of Raju Daulatrao Koli, which refers to some photographs, which were shown to the Complainant. However, there is no mention about the fact that the said photographs related to the Applicant herein. If it is so, observation in the said statement about showing some photographs will be of no avail to the Applicant and that by itself, cannot be the basis to question the genuineness and authenticity of the identification parade held on 27th May 2004. As the Applicant has been identified by the Complainant in the identification parade and having regard to the seriousness of the offence, not a case for bail. Hence, rejected.

A.M.KHANWILKAR, J.